

**Executive Summary – Enforcement Matter – Case No. 49450**  
**The Goodyear Tire & Rubber Company**  
**RN102561925**  
**Docket No. 2014-1484-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Goodyear Tire & Rubber Beaumont Chemical Plant, located on IH-10, approximately two miles southwest of Beaumont city limits, Jefferson County

**Type of Operation:**

Synthetic rubber manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 13, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$117,600

**Amount Deferred for Expedited Settlement:** \$23,520

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$47,040

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$23,520

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

**SEP Conditional Offset:** \$23,520

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49450**  
**The Goodyear Tire & Rubber Company**  
**RN102561925**  
**Docket No. 2014-1484-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 30, 2014

**Date(s) of NOE(s):** October 2, 2014

***Violation Information***

Failed to submit a permit renewal application for New Source Review (“NSR”) Permit No. 9481 at least six months prior to the expiration of the permit [30 TEX. ADMIN. CODE §§ 116.110(a) and 116.315(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On October 30, 2014, the Respondent submitted a permit application to replace expired NSR Permit No. 9481.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete two SEPs (see SEP Attachments A and B).
2. The Order will also require the Respondent to:
  - a. Immediately, until such time that authorization to operate is obtained or until 365 days, whichever is earlier, comply with the representations and conditions of the expired NSR Permit No. 9481;
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application submitted on October 30, 2014 within 30 days after the date of such requests, or by any other deadline specified in writing;
  - c. Within 45 days, submit written certification demonstrating compliance with a.; and
  - d. Within 365 days, submit written certification that either authorization to operate the Plant has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

**Executive Summary – Enforcement Matter – Case No. 49450**  
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**Docket No. 2014-1484-AIR-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Rachel Bekowies, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-2608; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565  
**Respondent:** Michael Lockwood, Plant Manager, The Goodyear Tire & Rubber  
Company, P.O. Box 26003, Beaumont, Texas 77720  
**Respondent's Attorney:** Win Colbert, Attorney, Colbert Law, PLLC, 390 North  
Orange Avenue, Suite 2300, Orlando, Florida 32801



## Attachment A

Docket Number: 2014-1484-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Goodyear Tire & Rubber Company
Penalty Amount:	Ninety-Four Thousand Eighty Dollars (\$94,080)
SEP Offset Amount:	Twenty-Three Thousand Five Hundred Twenty Dollars (\$23,520)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

##### a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643

The Goodyear Tire & Rubber Company  
Agreed Order - Attachment A

- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

The Goodyear Tire & Rubber Company  
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



## Attachment B

Docket Number: 2014-1484-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>The Goodyear Tire &amp; Rubber Company</b>
<b>Penalty Amount:</b>	<b>Ninety-Four Thousand Eighty Dollars (\$94,080)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Three Thousand Five Hundred Twenty Dollars (\$23,520)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Clean Buses Project</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

#### 1. Project Description

##### a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the "Project"). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Goodyear Tire & Rubber Company  
Agreed Order - Attachment B

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. **Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





## Penalty Calculation Worksheet (PCW)

<b>DATES</b>	<b>Assigned</b>	6-Oct-2014	<b>Screening</b>	7-Oct-2014	<b>EPA Due</b>	31-Mar-2015
	<b>PCW</b>	8-Jan-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	The Goodyear Tire & Rubber Company		
<b>Reg. Ent. Ref. No.</b>	RN102561925		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49450	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1484-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rachel Bekowies
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$105,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	12.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$12,600
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Notes: Enhancement for one NOV with dissimilar violations and one order containing a denial of liability. Reduction for having an environmental management system in place.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$945  
Estimated Cost of Compliance \$5,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$117,600
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$117,600
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$117,600
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$23,520
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$94,080
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Screening Date 7-Oct-2014

Docket No. 2014-1484-AIR-E

PCW

Respondent The Goodyear Tire &amp; Rubber Company

Policy Revision 4 (April 2014)

Case ID No. 49450

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102561925

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 12%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one order containing a denial of liability.  
Reduction for having an environmental management system in place.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 12%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 12%

<b>Screening Date</b> 7-Oct-2014 <b>Respondent</b> The Goodyear Tire & Rubber Company <b>Case ID No.</b> 49450 <b>Reg. Ent. Reference No.</b> RN102561925 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> Rachel Bekowies	<b>Docket No.</b> 2014-1484-AIR-E <b>PCW</b> <small>Policy Revision 4 (April 2014) PCW Revision March 26, 2014</small>																				
<b>Violation Number</b> 1																					
<b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 116.110(a) and 116.315(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)																					
<b>Violation Description</b> Failed to submit a permit renewal application for New Source Review ("NSR") Permit No. 9481 at least six months prior to the expiration of the permit.																					
<b>Base Penalty</b> \$25,000																					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;"></th> <th style="width: 25%;">Major</th> <th style="width: 25%;">Moderate</th> <th style="width: 25%;">Minor</th> <th style="width: 10%;"></th> </tr> <tr> <td><b>Release</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Potential</b></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		<b>Release</b>					<b>Actual</b>					<b>Potential</b>				
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<b>&gt;&gt; Programmatic Matrix</b>																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;"></th> <th style="width: 25%;">Major</th> <th style="width: 25%;">Moderate</th> <th style="width: 25%;">Minor</th> <th style="width: 10%;"></th> </tr> <tr> <td><b>Falsification</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		<b>Falsification</b>						x								
		Major	Moderate	Minor																	
	<b>Falsification</b>																				
	x																				
<b>Percent</b> 15.0%																					
<b>Matrix Notes</b> 100% of the rule requirement was not met.																					
<b>Adjustment</b> \$21,250																					
<b>Net Penalty</b> \$3,750																					
<b>Violation Events</b>																					
<table style="width: 100%;"> <tr> <td style="width: 50%;"> <b>Number of Violation Events</b> 28         </td> <td style="width: 50%;"> <b>834</b> Number of violation days         </td> </tr> </table>		<b>Number of Violation Events</b> 28	<b>834</b> Number of violation days																		
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mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event							
daily																					
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<b>Violation Base Penalty</b> \$105,000																					
Twenty-eight monthly events are recommended from the June 25, 2012 permit expiration date to the October 7, 2014 screening date.																					
<b>Good Faith Efforts to Comply</b>																					
<b>0.0%</b>																					
<b>Reduction</b> \$0																					
<table style="width: 100%;"> <tr> <th style="width: 30%;"></th> <th style="width: 35%;">Before NOE/NOV</th> <th style="width: 35%;">NOE/NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x	(mark with x)								
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																			
Extraordinary																					
Ordinary																					
N/A	x	(mark with x)																			
<b>Notes</b> The Respondent does not meet the good faith criteria for this violation.																					
<b>Violation Subtotal</b> \$105,000																					
<b>Economic Benefit (EB) for this violation</b>																					
<b>Statutory Limit Test</b>																					
<b>Estimated EB Amount</b> \$945	<b>Violation Final Penalty Total</b> \$117,600																				
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$117,600																					



# Economic Benefit Worksheet

Respondent: The Goodyear Tire & Rubber Company  
 Case ID No. 49450  
 Reg. Ent. Reference No. RN102561925  
 Media Air  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs	\$5,000	25-Jun-2012	4-Apr-2016	3.78	\$945		\$945
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated cost to obtain a new permit. The Date Required is the date NSR Permit No. 9481 expired. The Final Date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$945



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600616049, RN102561925, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600616049, The Goodyear Tire & Rubber Company	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	1.19
<b>Regulated Entity:</b>	RN102561925, GOODYEAR TIRE & RUBBER BEAUMONT CHEMICAL PLANT	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	0.87
<b>Complexity Points:</b>	28	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	ON INTERSTATE HIGHWAY 10, APPROXIMATELY TWO MILES SOUTHWEST OF BEAUMONT CITY LIMITS, JEFFERSON COUNTY, TEXAS 77713-3047				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

## ID Number(s):

**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50379**

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30012**

**AIR NEW SOURCE PERMITS PERMIT 7858**

**AIR NEW SOURCE PERMITS REGISTRATION 15501**

**AIR NEW SOURCE PERMITS PERMIT 20040**

**AIR NEW SOURCE PERMITS REGISTRATION 32349**

**AIR NEW SOURCE PERMITS REGISTRATION 44284**

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0039N**

**AIR NEW SOURCE PERMITS REGISTRATION 70115**

**AIR NEW SOURCE PERMITS AFS NUM 4824500016**

**AIR NEW SOURCE PERMITS REGISTRATION 50664**

**AIR NEW SOURCE PERMITS REGISTRATION 53766**

**AIR NEW SOURCE PERMITS REGISTRATION 53791**

**AIR NEW SOURCE PERMITS REGISTRATION 77192**

**AIR NEW SOURCE PERMITS REGISTRATION 78238**

**AIR NEW SOURCE PERMITS REGISTRATION 80196**

**AIR NEW SOURCE PERMITS REGISTRATION 81249**

**AIR NEW SOURCE PERMITS REGISTRATION 83918**

**AIR NEW SOURCE PERMITS REGISTRATION 82675**

**AIR NEW SOURCE PERMITS REGISTRATION 83919**

**AIR NEW SOURCE PERMITS REGISTRATION 86184**

**AIR NEW SOURCE PERMITS REGISTRATION 83596**

**AIR NEW SOURCE PERMITS REGISTRATION 84420**

**AIR NEW SOURCE PERMITS REGISTRATION 86296**

**AIR NEW SOURCE PERMITS REGISTRATION 93895**

**AIR NEW SOURCE PERMITS REGISTRATION 100914**

**AIR NEW SOURCE PERMITS REGISTRATION 100957**

**AIR NEW SOURCE PERMITS REGISTRATION 100909**

**AIR NEW SOURCE PERMITS REGISTRATION 107030**

**AIR NEW SOURCE PERMITS REGISTRATION 123851**

**AIR NEW SOURCE PERMITS REGISTRATION 123345**

**AIR NEW SOURCE PERMITS PERMIT 124670**

**AIR NEW SOURCE PERMITS REGISTRATION 123335**

**AIR NEW SOURCE PERMITS REGISTRATION 123852**

**WASTEWATER EPA ID TX0005061**

**AIR OPERATING PERMITS PERMIT 1593**

**WASTEWATER LICENSING LICENSE WQ0000519000**

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0039N**

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008077190**

**AIR NEW SOURCE PERMITS PERMIT 3522**

**AIR NEW SOURCE PERMITS REGISTRATION 15198**

**AIR NEW SOURCE PERMITS REGISTRATION 16052**

**AIR NEW SOURCE PERMITS PERMIT 22110**

**AIR NEW SOURCE PERMITS REGISTRATION 35402**

**AIR NEW SOURCE PERMITS REGISTRATION 45078**

**AIR NEW SOURCE PERMITS REGISTRATION 72103**

**AIR NEW SOURCE PERMITS REGISTRATION 56840**

**AIR NEW SOURCE PERMITS PERMIT 56473**

**AIR NEW SOURCE PERMITS REGISTRATION 53063**

**AIR NEW SOURCE PERMITS REGISTRATION 56478**

**AIR NEW SOURCE PERMITS REGISTRATION 75152**

**AIR NEW SOURCE PERMITS REGISTRATION 77850**

**AIR NEW SOURCE PERMITS REGISTRATION 91845**

**AIR NEW SOURCE PERMITS REGISTRATION 81080**

**AIR NEW SOURCE PERMITS REGISTRATION 81756**

**AIR NEW SOURCE PERMITS REGISTRATION 82620**

**AIR NEW SOURCE PERMITS REGISTRATION 85832**

**AIR NEW SOURCE PERMITS REGISTRATION 86552**

**AIR NEW SOURCE PERMITS REGISTRATION 83183**

**AIR NEW SOURCE PERMITS REGISTRATION 89733**

**AIR NEW SOURCE PERMITS REGISTRATION 86638**

**AIR NEW SOURCE PERMITS REGISTRATION 86660**

**AIR NEW SOURCE PERMITS REGISTRATION 100956**

**AIR NEW SOURCE PERMITS REGISTRATION 100908**

**AIR NEW SOURCE PERMITS REGISTRATION 100551**

**AIR NEW SOURCE PERMITS REGISTRATION 100907**

**AIR NEW SOURCE PERMITS REGISTRATION 108200**

**AIR NEW SOURCE PERMITS REGISTRATION 117644**

**AIR NEW SOURCE PERMITS REGISTRATION 126977**

**AIR NEW SOURCE PERMITS REGISTRATION 108572**

**AIR NEW SOURCE PERMITS REGISTRATION 117868**

**WASTEWATER PERMIT WQ0000519000**

**AIR OPERATING PERMITS ACCOUNT NUMBER JE0039N**

**AIR OPERATING PERMITS PERMIT 2294**

**IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30012**

**POLLUTION PREVENTION PLANNING ID NUMBER P00279**

**Compliance History Period:** September 01, 2009 to August 31, 2014      **Rating Year:** 2014      **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** January 08, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 08, 2010 to January 08, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Rachel Bekowies

**Phone:** (512) 239-2608

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1      Effective Date: 08/12/2012      ADMINORDER 2012-0136-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:SPECIAL CONDITION 16 OP  
Special Conditions No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	January 15, 2010	(804568)
Item 2	January 27, 2010	(784338)
Item 3	February 07, 2010	(787383)
Item 4	February 15, 2010	(790965)
Item 5	February 18, 2010	(804562)
Item 6	March 15, 2010	(830849)
Item 7	May 10, 2010	(830851)
Item 8	June 14, 2010	(846257)
Item 9	July 16, 2010	(798657)
Item 10	August 11, 2010	(866818)
Item 11	September 19, 2010	(844122)
Item 12	October 14, 2010	(881491)
Item 13	November 11, 2010	(888020)
Item 14	November 23, 2010	(871977)
Item 15	December 15, 2010	(896225)
Item 16	January 18, 2011	(902294)
Item 17	January 21, 2011	(885392)
Item 18	February 18, 2011	(909070)
Item 19	February 22, 2011	(892151)
Item 20	February 28, 2011	(900274)
Item 21	March 11, 2011	(916333)

Item 22	March 22, 2011	(905883)
Item 23	April 13, 2011	(924776)
Item 24	May 20, 2011	(938014)
Item 25	June 13, 2011	(945337)
Item 26	July 07, 2011	(932667)
Item 27	August 01, 2011	(942116)
Item 28	August 10, 2011	(959292)
Item 29	September 15, 2011	(965325)
Item 30	November 17, 2011	(977525)
Item 31	December 14, 2011	(984291)
Item 32	January 24, 2012	(981984)
Item 33	January 27, 2012	(982441)
Item 34	February 13, 2012	(997954)
Item 35	March 20, 2012	(1003478)
Item 36	March 21, 2012	(982177)
Item 37	April 13, 2012	(1010042)
Item 38	April 23, 2012	(994656)
Item 39	May 11, 2012	(1016436)
Item 40	June 13, 2012	(1024156)
Item 41	July 11, 2012	(1031552)
Item 42	August 07, 2012	(1022932)
Item 43	August 15, 2012	(1037928)
Item 44	August 20, 2012	(1023215)
Item 45	August 22, 2012	(1022821)
Item 46	August 30, 2012	(1023007)
Item 47	September 18, 2012	(1046660)
Item 48	November 16, 2012	(1060836)
Item 49	November 29, 2012	(1044301)
Item 50	December 11, 2012	(1060837)
Item 51	January 17, 2013	(1078941)
Item 52	January 24, 2013	(1054190)
Item 53	January 29, 2013	(1054487)
Item 54	January 30, 2013	(1054139)
Item 55	February 20, 2013	(1078940)
Item 56	March 19, 2013	(1089293)
Item 57	April 11, 2013	(1057178)
Item 58	April 19, 2013	(1095689)
Item 59	May 20, 2013	(1106612)
Item 60	June 19, 2013	(1110289)
Item 61	July 17, 2013	(1117173)
Item 62	August 13, 2013	(1129529)
Item 63	August 19, 2013	(1124929)
Item 64	October 10, 2013	(1135259)
Item 65	November 12, 2013	(1140658)
Item 66	December 13, 2013	(1147117)
Item 67	December 27, 2013	(1132961)
Item 68	January 17, 2014	(1135135)
Item 69	February 04, 2014	(1139733)
Item 70	February 11, 2014	(1160521)
Item 71	March 12, 2014	(1167166)
Item 72	April 14, 2014	(1174299)
Item 73	May 15, 2014	(1180487)
Item 74	June 17, 2014	(1187385)
Item 75	July 15, 2014	(1198519)
Item 76	August 18, 2014	(1198520)
Item 77	September 15, 2014	(1205790)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1

Date: 02/04/2014 (1143538)

CN600616049

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 16 OP  
Special Condition 1A OP  
Special Condition 9E PERMIT

Description: Failure to install a cap, blind flange, or plug on equipment operating in Volatile Organic Compound (VOC) service.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

1

ENVIRONMENTAL MANAGEMENT SYSTEM

30 TAC CH 90 CERTIFIED

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE GOODYEAR TIRE &  
RUBBER COMPANY  
RN102561925**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-1484-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Goodyear Tire & Rubber Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Win Colbert of the law firm of Colbert Law, PLLC, together stipulate that:

1. The Respondent owns and operates a synthetic rubber manufacturing plant located on Interstate Highway 10, approximately two miles southwest of Beaumont city limits, in Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 7, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Hundred Seventeen Thousand Six Hundred Dollars (\$117,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Seven Thousand Forty Dollars (\$47,040) of the administrative penalty and Twenty-Three Thousand Five Hundred Twenty Dollars (\$23,520) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Forty-Seven Thousand Forty Dollars (\$47,040) shall be conditionally offset by the Respondent's completion of two Supplemental Environmental Projects ("SEPs").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on October 30, 2014, the Respondent submitted a permit application to replace expired New Source Review ("NSR") Permit No. 9481.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to submit a permit renewal application for NSR Permit No. 9481 at least six months prior to the expiration of the permit, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.315(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during a record review conducted on September 30, 2014.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Goodyear Tire & Rubber Company, Docket No. 2014-1484-AIR-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete two SEPs in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Seven Thousand Forty Dollars (\$47,040) of the assessed administrative penalty shall be offset with the condition that the SEPs defined in Attachments A and B, incorporated herein by reference, are implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained or until 365 days after the effective date of this Agreed Order, whichever is earlier, comply with the representations and conditions of the expired NSR Permit No. 9481;
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application submitted on October 30, 2014 within 30 days after the date of such requests, or by any other deadline specified in writing;
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.d. below; and
  - d. Within 365 days after the effective date of this Agreed Order, submit written certification that either authorization to operate the Plant has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the




Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

4/7/15  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

9 Feb 2015  
\_\_\_\_\_  
Date

Michael Lockwood  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
The Goodyear Tire & Rubber Company

Plant Manager  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

## Attachment A

Docket Number: 2014-1484-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>The Goodyear Tire &amp; Rubber Company</b>
<b>Penalty Amount:</b>	<b>Ninety-Four Thousand Eighty Dollars (\$94,080)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Three Thousand Five Hundred Twenty Dollars (\$23,520)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b>Meteorological and Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

##### a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643

The Goodyear Tire & Rubber Company  
Agreed Order - Attachment A

- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

The Goodyear Tire & Rubber Company  
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Attachment B**

**Docket Number: 2014-1484-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Goodyear Tire &amp; Rubber Company</b>
<b>Penalty Amount:</b>	<b>Ninety-Four Thousand Eighty Dollars (\$94,080)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Three Thousand Five Hundred Twenty Dollars (\$23,520)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Clean Buses Project</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the "Project"). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Goodyear Tire & Rubber Company  
Agreed Order - Attachment B

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087



#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.